

EXHIBIT FOUR

Joan Martin
October 3, 2007

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Exhibits None

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

- - - - -x
LISA RICCOBENE, :
 :
 :
 Plaintiff, :
 :
 :
 vs. : Civil Action
 : No. 04-10256 MEL
 :
 MASS BAY TRANSPORTATION AUTHORITY:
 and ANNE McCALL, :
 :
 :
 Defendants. :
 - - - - -x

DEPOSITION OF JOAN MARTIN, a witness called
on behalf of the Plaintiff, taken pursuant to the
Federal Rules of Civil Procedure, before Melvin
Gross, Registered Professional Reporter and Notary
Public in and for the Commonwealth of Massachusetts,
at the Law Offices of Bello & Bello, 184 Main
Street, Wareham, Massachusetts, on Wednesday,
October 3, 2007, commencing at 10:00 a.m.

Melvin Gross, Court Reporter

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1 A. Yes.

2 Q. Tell me everything you recall about --
3 strike that. How many times did you meet with Chief
4 Fleming to discuss the layoffs?

5 A. To the best of my memory we met once.

6 Q. Who else was present at the meeting?

7 A. John Atkins.

8 Q. So it was the three of you at the meeting?

9 A. Yes.

10 Q. Can you please tell me everything you
11 remember being said at that meeting with Chief
12 Fleming?

13 A. We gave him -- Acting Chief Fleming -- the
14 number that needed to be laid off from his
15 department. And we gave him the criteria that he
16 needed to use in making the selection of this
17 recommendation. And to the best of my memory, it
18 was Acting Chief Fleming who gave Lisa Riccobene's
19 name to me.

20 Q. Do you recall -- strike that.

21 I understand you gave certain criteria to
22 Chief Fleming. Was there any discussion you had
23 with Chief Fleming then, or that Mr. Atkins had with
24 Fleming, as to how Ms. Riccobene did or did not fit

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1 Q. But in your understanding, based on the
2 memos that you sent out previously, Chief Fleming
3 knew that was the purpose of the meeting, is that
4 correct?.

5 A. Yes. To the best of my knowledge, yes.

6 Q. In terms of recommending Lisa Riccobene for
7 layoff, Chief Fleming recommended that to you?

8 A. Yes.

9 Q. You aren't the one who suggested or
10 recommended Ms. Riccobene being the person being
11 laid off in the police department?

12 A. No.

13 Q. You did discuss that with Fleming though?

14 A. I discussed it with him.

15 Q. You discussed his recommendation to you?

16 A. Yes.

17 Q. In your understanding when Fleming
18 recommended Ms. Riccobene for layoff, you understood
19 that her position would be eliminated?

20 A. Yes.

21 Q. And you understood that she would be laid
22 off?

23 A. Yes.

24 Q. Just so our terms are straight, that was

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1 not the decision to lay off Ms. Riccobene, correct?

2 A. Correct.

3 Q. That decision was not made until Michael
4 Mulhern approved the list?

5 A. That is correct.

6 Q. So, you informed Fleming, among others,
7 that there was going to be a meeting to select the
8 positions and people for the layoffs?

9 A. Yes.

10 Q. You then have this meeting with Fleming,
11 with yourself Fleming and John Atkins present?

12 A. Yes.

13 Q. There are discussions. Fleming recommends
14 Lisa Riccobene for layoff?

15 A. Yes.

16 Q. As a result of that discussion her name is
17 placed on a list you create?

18 A. Yes.

19 Q. You pass that list on to Michael Mulhern?

20 A. Yes.

21 Q. And in this case Michael Mulhern approves
22 Ms. Riccobene being laid off?

23 A. Yes.

24 Q. And she's eventually laid off?

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1 A. No.

2 Q. In your meeting with -- do you recall how
3 long your meeting with Fleming lasted?

4 A. No.

5 Q. Do you recall if during the meeting with
6 him there was any discussion of laying off anyone
7 else within the police department either instead of
8 Riccobene, or in addition to Ms. Riccobene?

9 A. I don't remember.

10 Q. Do you recall if there was any discussion
11 of laying off the greeters in the police department?

12 A. I have no memory of that.

13 Q. Do you recall if there was any discussion
14 of laying off any other either clerical or
15 administrative people other than Ms. Riccobene?

16 A. I don't remember.

17 Q. Do you recall any discussions with Chief
18 Fleming about the impact this would have on Ms.
19 Riccobene and anyone else?

20 A. No.

21 Q. During the meeting with Chief Fleming, did
22 he say anything to you about Ms. Riccobene not being
23 at work because she thought she was being harassed?

24 A. Not to my memory, no.

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1 Q. Is that something you would remember?

2 A. I would remember.

3 Q. And why is that?

4 A. Because part of my function as deputy
5 general manager was working with the Office of
6 Diversity. And if there was a charge of harassment
7 it would be our responsibility to do an
8 investigation of that charge. So that would
9 certainly -- I would remember that in order to
10 direct Jean Morrison, who was then Director of
11 Diversity, to take a look at that.

12 Q. By the way, you just used the term "charge
13 of harassment."

14 A. Or even an allegation.

15 Q. Thank you very much. That was my next
16 question.

17 A. Even if I became aware of it, it did not
18 have to be a written charge in order for us to take
19 action. We had responsibility to act if we heard
20 about something.

21 Q. So as best you can recall, Fleming didn't
22 say anything to you about Lisa Riccobene not being
23 present because she felt she was being harassed?

24 A. No.